

# **EXHIBIT 27**



## PATROL GUIDE

Section: Tactical Operations

Procedure No: 221-13

### MENTALLY ILL OR EMOTIONALLY DISTURBED PERSONS

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#### PURPOSE

To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

#### SCOPE

The primary duty of all members of the service is to preserve human life. The safety of all persons involved is paramount in cases involving emotionally disturbed persons. If such person is dangerous to himself or others, force may be used when it is reasonable to prevent serious physical injury or death. Members of the service will use only the reasonable force necessary to gain control or custody of a subject. When there is time to negotiate, all the time necessary to ensure the safety of all individuals will be used.

#### DEFINITIONS

EMOTIONALLY DISTURBED PERSON (EDP) - A person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.

FIREARMS CONTROL - Firearms control requires that no member of the service on the scene will discharge a firearm unless and until directed to do so by the supervisory officer in charge, unless discharging a firearm is absolutely necessary for self-defense or the defense of another and there is no other alternative.

ZONE OF SAFETY - The distance to be maintained between the EDP and the responding member(s) of the service. This distance should be greater than the effective range of the weapon (other than a firearm), and it may vary with each situation (e.g., type of weapon possessed, condition of EDP, surrounding area, etc.). A minimum distance of 20 feet is recommended. An attempt will be made to maintain the "zone of safety" if the EDP does not remain stationary.

#### PROCEDURE

When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others:

#### UNIFORMED MEMBER OF THE SERVICE

1. Request "EDP location history" from dispatcher prior to arrival on scene, when responding to a call for service involving a possible EDP.
  - a. Request "EDP location history" when receiving a pick-up of a possible EDP, if time allows.

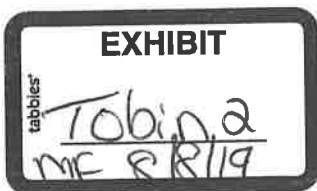
#### NOTE

*Communications Section will automatically alert responding units if location has prior EDP history that resulted in Emergency Service response and support.*

EXHIBIT

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- UNIFORMED MEMBER OF THE SERVICE (continued)**
2. Request Communications Section to contact the complainant while enroute to location, if possible, to obtain additional information.
  3. Transmit radio code signal "10-84" upon arrival on scene.

**NOTE** *A "10-84" requirement extends equally to patrol personnel, as well as, members assigned to specialty units (e.g., Emergency Service Unit [ESU], Hostage Negotiation Team [H.N.T.], Technical Assistance Response Unit [T.A.R.U.], etc.).*

4. Comply with P.G. 212-123, "Use of Body-Worn Cameras," if assigned a Body-Worn Camera.
5. Carry three foot polycarbonate shield with door bag (door rope/door wedge) affixed, if available.
  - a. Utilize for protection, as necessary.
6. Request and/or ensure the response of:
  - a. Patrol supervisor
  - b. Additional personnel/equipment (e.g., Emergency Service Unit, etc.), if necessary
  - c. Ambulance.

**NOTE** *Communications Section will automatically direct the patrol supervisor and Emergency Service Unit to respond to scene in such cases.*

7. Assess situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service.
8. Attempt to gather information that will aid in tactical considerations (e.g., history of EDP, physical layout of location, individuals present, potential escape routes, etc.).
9. Attempt to slow the pace of the incident and establish dialogue with the EDP while awaiting arrival of specialized personnel, if necessary.
  - a. When there is time to de-escalate, all time necessary to ensure the safety of all individuals concerned will be used. The safety and well-being of the EDP, as well as, all persons present is of paramount concern.
  - b. Avoid any action which might agitate or provoke the EDP, if possible.
10. Attempt to isolate and contain the EDP while maintaining a zone of safety until arrival of patrol supervisor and Emergency Service Unit personnel.
  - a. Utilize door rope or door wedge to isolate and contain EDP, when necessary and equipped.
    - (1) Secure door with only one door rope at any given time using recommended girth hitch knot.
    - (2) If another individual is present with EDP, door rope or door wedge should only be used in exigent circumstances.

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MEMBER OF  
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- (3) Do not remove door rope or door wedge without authorization of uniformed supervisor at the scene or at direction of Emergency Service Unit personnel, unless exigent circumstances exist.

**PATROL  
SUPERVISOR**

11. Respond to location unless EDP has been removed from scene.
  - a. If unavailable, another uniformed supervisor (e.g., platoon commander, etc.) will respond and assume control of situation.
  - b. Respond to location even if a supervisor from another police agency is present.
12. Transmit radio code signal "10-84" upon arrival on scene.
13. Establish firearms control.
14. Verify that Emergency Service Unit is responding, if required.
  - a. Cancel response of Emergency Service Unit if services not required.
    - (1) Response of Emergency Service Unit may only be canceled by a uniformed supervisor in the rank of sergeant or above.

EDP'S ACTIONS CONSTITUTE IMMEDIATE THREAT OF SERIOUS  
PHYSICAL INJURY OR DEATH TO THEMSELVES OR OTHERS:

**UNIFORMED  
MEMBER OF  
THE SERVICE**

15. Take reasonable measures to terminate or prevent such behavior.
  - a. Deadly physical force will be used only as a last resort to protect the life of persons or officers present.
16. Make every effort to de-escalate the situation through tactical communication, if feasible and consistent with personal safety.
  - a. Use crisis communication techniques to gain voluntary compliance.

**NOTE**

*Damaging of property would not necessarily constitute an immediate threat of serious physical injury or death.*

EDP IS UNARMED, NOT VIOLENT, AND WILLING TO LEAVE  
VOLUNTARILY:

**UNIFORMED  
MEMBER OF  
THE SERVICE**

17. Take EDP into custody without the specific direction of a supervisor.
18. Comply with steps "39" through "49."

WHEN EDP IS ISOLATED/CONTAINED BUT WILL NOT LEAVE  
VOLUNTARILY:

**UNIFORMED  
MEMBER OF  
THE SERVICE**

19. Request response of H.N.T. and coordinator and T.A.R.U. through Communications Section and comply with P.G. 221-14, "Hostage/Barricaded Person(s)," where appropriate.

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20. Comply with steps "39" through "49," when EDP is safeguarded and restrained.

### PATROL SUPERVISOR

21. Use Crisis Intervention Team (CIT) trained members as contact officers when appropriate and available.
- a. If a non-CIT trained officer has established a rapport with the subject, allow that officer to continue communications. In those situations, CIT trained officers can support the non-CIT trained officer, when necessary.
22. Employ less lethal devices when necessary to ensure the safety of all present.
- a. Use Conducted Electrical Weapon (CEW), if necessary, in accordance with *P.G. 221-08, "Use of Conducted Electrical Weapons (CEW)."*
- b. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when a less lethal device is used.
23. Direct removal of door rope or door wedge if EDP's actions constitute immediate threat of serious physical injury or death to themselves or others and take reasonable measures to terminate or prevent such behavior.
24. Request response of commanding officer/duty captain.
25. Notify desk officer that H.N.T. and coordinator, and T.A.R.U. have been notified, and commanding officer/duty captain has been requested.
26. Request Emergency Service Unit on scene to have Emergency Service Unit supervisor respond.
27. If necessary, request assistance of:
- a. Interpreter, if language barrier
- b. Subject's family or friends
- c. Local clergyman
- d. Prominent local citizen
- e. Any public or private agency deemed appropriate for possible assistance.
28. Take no additional action without authorization of commanding officer or duty captain at the scene, if EDP is contained and is believed to be armed or violent but due to containment poses no immediate threat of danger to any person.

### EMERGENCY SERVICE UNIT SUPERVISOR

29. Report to and confer with ranking patrol supervisor on scene.
- a. If there is no patrol supervisor present, request response forthwith, and perform duties of patrol supervisor pending his/her arrival.
30. Evaluate the need and ensure that appropriate Emergency Service Unit personnel and equipment are present at the scene to deal with the situation.

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| <b>EMERGENCY<br/>SERVICE UNIT<br/>SUPERVISOR<br/>(continued)</b> | 31. Verify that H.N.T. and coordinator are responding, when necessary.<br>32. Devise plans and tactics to deal with the situation, after conferral with ranking patrol supervisor on scene.<br>33. Direct use of EDP Mesh Restraining Device, when appropriate.  |
| <b>DESK OFFICER</b>  | 34. Notify Operations Unit and patrol borough command of facts.  |
| <b>COMMANDING<br/>OFFICER/<br/>DUTY<br/>CAPTAIN</b>              | 35. Assume command, including firearms control.<br>36. Confer with ranking Emergency Service Unit supervisor on scene and discuss plans and tactics to be utilized.<br>37. Direct whatever further action is necessary, including use of negotiators.<br>38. Direct use of alternate means of restraint, if appropriate, according to circumstances. |

### WHEN EDP HAS BEEN RESTRAINED:

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| <b>UNIFORMED<br/>MEMBER OF<br/>THE SERVICE</b> | 39. Remove property that is dangerous to life or will facilitate escape.<br>40. Have EDP removed to hospital in ambulance.<br>a. Restraining equipment including handcuffs may be used if EDP is violent, resists, or upon direction of a physician examiner.<br>b. When possible, a female EDP being transported should be accompanied by another female or by an adult member of her immediate family.<br>41. Ride in body of ambulance with EDP.<br>a. At least two uniformed members of the service will safeguard if more than one EDP is being transported.<br>42. Transport EDP to hospital by RMP if able to do so with reasonable restraint at the direction of a supervisor, if an ambulance is not available.<br>a. Under no circumstances will an EDP be transported to a police facility.<br>43. Inform examining physician upon arrival at hospital of use of less lethal devices used on EDP, if applicable.<br>44. Unload firearm(s) at firearm safety station, if available, when entering psychiatric ward of hospital (see <i>P.G. 216-07, "Firearms Safety Stations at Psychiatric Wards and Admitting Areas"</i> ).<br>45. Safeguard EDP at hospital until examined by psychiatrist.<br>a. Inform relieving uniformed member of circumstances if safeguarding extends beyond expiration of tour.<br>46. Inform psychiatrist of circumstances which brought EDP into police custody.<br>47. Enter details in <b>ACTIVITY LOG</b> and prepare <b>AIDED REPORT</b> .<br>a. Indicate on <b>AIDED REPORT</b> , name of psychiatrist.<br>b. Check "CIT Trained UMOS on Scene" caption and complete "Name/Tax Number of CIT Trained UMOS on Scene" section, when applicable. |
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- c. If FORMS becomes disabled, the uniformed member of the service will utilize the "Narrative" section of the **AIDED REPORT WORKSHEET (PD304-152b)** to document if a CIT trained uniformed member of the service responded, as well as, their name and tax number.
48. Finalize EDP radio run using the appropriate radio code in the following instances:
  - a. "10-97E3" - ESU Assisted in Removing EDP
  - b. "10-97E4" - Voluntary Surrender to ESU or Hostage Negotiation Team
  - c. "10-97E5" - ESU Removal Less Than Lethal Used
  - d. Use other appropriate radio codes, as necessary, to finalize EDP radio run.
49. Submit **AIDED REPORT** to desk officer.

### ADDITIONAL DATA

*Provide persons who voluntarily seek psychiatric treatment with an NYC WELL PALM CARD (PD154-181).*

*Prior to interviewing an EDP confined to a facility of the NYC Health and Hospitals Corporation, a uniformed member of the service must obtain permission from the hospital administrator who will ascertain if the EDP is mentally competent to give a statement.*

*Upon receipt of a request from a qualified psychiatrist, or from a director of a general hospital or his/her designee, uniformed members of the service shall take into custody and transport an apparently emotionally disturbed person from a facility licensed or operated by the New York State Office of Mental Health which does not have an inpatient psychiatric service, or from a general hospital which does not have an inpatient psychiatric service, to a hospital approved under Section 9.39 of the Mental Hygiene Law.*

*Uniformed members of the service will also comply with the above procedure upon direction of the Commissioner of the Department of Health and Mental Hygiene or his/her designee.*

*Training sergeants and/or operations coordinators will maintain an updated list at the desk of members assigned to their command who are CIT trained. This list must be updated on a weekly basis.*

*Desk officers will be responsible for ensuring this list is maintained at the desk at all times.*

*Immediate supervisors of members of the service that have tactical recommendations regarding interactions with an EDP will prepare a report on **Typed Letterhead** to the command's training sergeant. The training sergeant will compile recommendations on a quarterly basis and forward (through channels) to the Chief of Training.*

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### **RELATED PROCEDURES**

*Unusual Occurrence Reports (P.G. 212-09)*  
*Person Threatening to Jump From Structure (P.G. 212-54)*  
*Unlawful Evictions (P.G. 214-12)*  
*Aided Cases General Procedure (P.G. 216-01)*  
*Preparation of Aided Report (P.G. 216-02)*  
*Mental Health Removal Orders (P.G. 216-06)*  
*Firearms Safety Stations at Psychiatric Wards and Admitting Areas (P.G. 216-07)*  
*Inspection of Department Vehicles Each Tour by Operator (P.G. 219-01)*  
*Hostage/Barricaded Person(s) (P.G. 221-14)*  
*Use of Conducted Electrical Weapons (CEW) (P.G. 221-08)*  
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*

### **FORMS AND REPORTS**

**ACTIVITY LOG (PD112-145)**  
**AIDED REPORT**  
**AIDED REPORT WORKSHEET (PD304-152b)**  
**NYC WELL PALM CARD (PD154-181)**  
**THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET (PD370-154)**  
**UNUSUAL OCCURRENCE REPORT (PD370-152)**  
*Typed Letterhead*